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SUGHRUE MION, PLLC
2100 Pennsylvania Avenue, N.W.
Suite 800
Washington, DC 20037

In re Application of
KOSTIAINEN et al
U.S. Application No.: 10/579,225
PCT No.: PCT/FI2004/000683
Int. Filing Date: 15 November 2004
Priority Date: 14 November 2003
Attorney Docket No.: Q94898
For: METHOD AND APPARATUS FOR
MASS SPECTROMETRIC ANALYSIS

DECISION

This decision is in response to applicants' renewed petition under 37 CFR 1.47(a) filed 08 August 2008.

BACKGROUND

On 09 June 2008, a decision dismissing applicants' 37 CFR 1.47(a) petition was mailed. Applicants were given two months to respond.

On 08 August 2008, applicants filed a renewed petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a supplemental declaration by Anu Leinonen, and other documentary evidence in support of the renewed petition.

DISCUSSION

Applicants' petition under 37 CFR 1.47(a) was dismissed for failing to show that a complete copy of the above-captioned application including specification, claims and drawings were presented to the nonsigning inventor. As such, the purported oral refusal by the nonsigning inventor could not be accepted. All other requirements of 37 CFR 1.47(a) were satisfied in the initial petition.

In the renewed petition, the 37 CFR 1.47(a) applicants provided evidence that a complete copy of the subject application was sent to the nonsigning inventor on 18 June 2008 by mail. The documents provided to Seppo Marttila included instructions that a response was due within ten days of receipt of the letter and that failure to respond would be considered as a refusal to cooperate.

On 19 June 2008, Mr. Marttila sent an email to Mr. Leinonen expressly refusing to cooperate in the above-captioned application. Copies of the email along with an

10/579,225

English translation was provided. This evidence constitutes a refusal to cooperate as contemplated by section 409.03(d) of the MPEP. Applicants have now provided sufficient evidence to meet the requirements of item (2) of 37 CFR 1.47(a).

Accordingly, all the requirements of 37 CFR 1.47(a) are now complete.

CONCLUSION

Applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 15 November 2004 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 24 March 2008.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record and will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

James Thomson
James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302



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Mr. Seppo Marttila
Maanituntie 16
01900 Nurmijärvi
Finland

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Mr. Marttila:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. The counsel for the applicant is listed below. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

U.S. Counsel: SUGHRUE MION, PLLC
2100 Pennsylvania Avenue, N.W.
Suite 800
Washington, DC 20037